Fighting stigma and discrimination

Non-discrimination is one of the key principles of the ILO Code of Practice on HIV/AIDS and the world of work and is the theme for World AIDS Day 2003.

“In the spirit of decent work and respect for the human rights and dignity of persons infected or affected by HIV/AIDS, there should be no discrimination against workers on the basis of real or perceived HIV status. Discrimination and stigmatization of people living with HIV/AIDS inhibits efforts aimed at promoting HIV/AIDS prevention.”

Section 4.2, ILO Code of Practice on HIV/AIDS and the world of work

Non-discrimination is a fundamental principle of the ILO and is at the heart of the ILO’s response to the epidemic. The principle of non-discrimination extends to employment status, recognized dependants, and access to health insurance, pension funds and other staff entitlements. But it is not just a matter of principle: discrimination and stigmatization of people living with HIV/AIDS also inhibits prevention efforts: if people are frightened of the possibility of discrimination, they will probably conceal their status and are more likely to pass on the infection to others. Moreover they will not seek treatment and counselling. All successful prevention initiatives have been part of a wider approach that has included establishing an atmosphere of openness, trust and a firm stand against discrimination.

Keeping those with HIV at work is a win-win situation all round: the employee keeps an income and the employer retains the skills and experience of the workforce.

Even so, examples of discrimination in the workplace are many, and the application of measures to protect workers against stigma and discrimination is not easy. Some cases of HIV-related discrimination in the world of work are described here.

Discrimination: a personal tragedy

India: The story of Ratna, Tamil Nadu

This is a real life story taken from an ILO study, supported by the US Department of Labor - Socio-economic impact of HIV/AIDS on People Living With HIV/AIDS and their families - which was conducted in four...
states of India through the established networks of people living with HIV/AIDS.

Ratna, a 30 year old woman, is separated from her husband and six-year old daughter and living alone in Chennai. She holds a Bachelor of Science degree, a Masters in Public Administration and currently works as counselor in the Positive Women Network of South India. She earns about Rs 4,000 (c. US$575) a month and has been working with the network for the past three years.

Ratna has been living with HIV for the past four years. She learned of her status while donating blood for an emergency case at the hospital where she worked as a laboratory technician. She did her own HIV test. Soon her husband revealed her status to the community, her relatives in her home town and the government organization where she worked. As a result she lost her job and was rejected by her family.

Now, as a participant in the Positive Women Network, she is open about her HIV status and has gone public in voicing issues affecting those living with HIV/AIDS. This has facilitated a supportive environment and helped her self-empowerment.

Since she now lives alone, her current income satisfies her basic needs. Additional expenditure on tests, treatment and medicine is onerous and affects her health, physically and mentally. Access to antiretroviral treatment is her main concern and she longs to re-join her husband and daughter.

Laws prohibiting discrimination based on HIV/AIDS, if implemented, would help workers like Ratna. The ILO study makes a series of recommendations that would improve her situation considerably.

**Tribunal finds armed forces guilty of discrimination**

**Canada: Thwaites/Canadian Human Rights Commission v Canadian Armed Forces (CAF)**

When Mr Thwaites, a Naval Electronic Sensor Operator for the CAF, was diagnosed as being HIV-positive, he was downgraded and assigned as a doorman at the petty officers' quarters, and eventually released on the grounds that since he was taking AZT, he was dependent on specialist care and therefore unable to go to sea for three or four months at a time.

However, a Tribunal found that at no time was Mr Thwaites unable to adequately perform his duties, that the relatively simple blood tests that he periodically required could easily have been performed on ships, and that his medical status did not create an unacceptable risk to himself nor to any mission he might serve on. During the tribunal it became clear that no genuine assessment was made as to whether or not Mr Thwaites' condition constituted a real risk should he be sent to sea. It was concluded that he could have continued
with his normal duties or he could have been excused irregular sea
duties without undue hardship to CAF. Mr Thwaites was awarded dam-
ages and compensation.

Discrimination rejected by workers

South Africa: Union accuses company of discriminating against
HIV-positive employees

In an on-going dispute at a company in South Africa, it is reported that
some 300 workers are picketing and chanting 'freedom' songs in support
of a national strike called by their union. It is alleged that the company's
policy includes a clause demanding compulsory HIV testing of the
workers that, according to the union, violates the spirit of the
Constitution and labour laws by discriminating against HIV-positive
workers. Workers hope that if the strike intensifies and consumers stop
buying the company's products, the management will be forced to
address the workers grievances.

"If you take away our jobs, you will kill us faster than the virus.
Work keeps us going."

Naveen, India